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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,124	01/09/2006	Nam-Yul Lee	1014-28	8878
66547 7590 05/26/2010 THE FARRELL LAW FIRM, LLP 290 Broadhollow Road Suite 210E Melville, NY 11747				
EXAMINER				
FORD, GRANT M				
ART UNIT		PAPER NUMBER		
2442				
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05/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,124

Applicant(s)

LEE ET AL.

Examiner

GRANT FORD

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date 1/9/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This communication is responsive to the filing of the instant application for patent on 1/9/2006.

Claims 1-31 are pending examination.

Claim Objections

2. Claim 1 is objected to because of the following informalities: At line 1, claim 1 recites "transmitting." The examiner believes this to be a typographical error and has examined the claim as reading "transmitting." Appropriate correction is required.

Claim 1 is objected to because of the following informalities: At line 13, claim 1 recites "severs". The examiner believes this to be a typographical error and has examined the claim as reading "servers". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The phrase "best efficiency" at line 40 of claim 1 is a relative term which renders the claim indefinite. The phrase "best efficiency" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "optimally" at line 43 of claim 1 is a relative term which renders the claim indefinite. The term "optimally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "basically" at line 4 of claim 11, line 3 of claim 17, and line 3 of claim 31 is a relative term which renders the claim indefinite. The term "basically" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. Claim 1 recites the limitation "the best efficiency" in line 40. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the same contents" in line 51. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "each hardware" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "each divided frame" in like 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 at lines 53-56 recites that the CDS monitors changes of contents of the IBSMS automatically and distributes changed contents to pre-designated servers in real time and synchronizes contents of pre-designated servers and makes said IBSMS always keep the same contents (emphasis added). It is unclear why the monitoring and distribution of the CDS occur if the IBSMS always keep the same contents. In the event that the IBSMS keep the same contents, there would be no need for monitoring of changes and distribution of changed contents (e.g., IBSMS cannot "always keep the same contents" if it is being continuously monitored for changes and updated).

Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 at line 49 recites "POP" and "POPs". However, the abbreviation POP is not provided definition in the claims. For purposes of examination, the examiner has interpreted POP to mean a group of IBSMS.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the phrase "can be organized" and "can be installed". It is unclear whether Applicant intends to positively recite the claimed organization and installation. For purposes of examination, the examiner has examined the claim as including the claimed organization and installation.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the phrase "can be set up freely by a manager" at lines 10-11. It is unclear if Applicant intends to positively recite the claimed set up, and it is unclear what constitutes being set up "freely" by a manager. For purposes of examination, the examiner has interpreted the phrase "can be set up freely by a manager" as "is set up by a manager"

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the phrase "it is possible". It is unclear if Applicant intends to positively recite the claimed grasping of the current broadcasting status.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 26 recites the phrase "can be" at lines 5, 7 and 9. It is unclear if Applicant intends to positively recite the claimed organization and regulation. For purposes of examination, the examiner has interpreted the phrase "can be" as "is" at line 5, "are" at line 7, and has examined the claim as not containing the phrase "can be expected" at line 9.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chino et al. (US 7,076,522), hereinafter referred to as Chino, in view of Nishiyama et al. (US 7,350,223), hereinafter referred to as Nishiyama.

a. As per claim 18, Chino discloses a method comprising:

a step for transmitting said information to said IBS Control Server and storing said information in a database (Col. 21 lines 14-32);

a step for getting authentication of an IBS terminal through login to said IBS Terminal Server and connecting to said IBS Control Server and downloading corresponding contents through the optimal IBS Media Server and storing said contents in a database of said IBS Terminal Server (Col. 21 lines 14-32, Col. 22 lines 54-61); and

a step for controlling broadcasting screen of said IBS Terminal Server and broadcasting corresponding broadcasting contents when it becomes broadcasting time (Col. 13 line 57 through Col. 13 line 10). However, the prior art of Chino fails to explicitly disclose that information of broadcasting schedules, contents, and clients are registered through an IBS Administrator interface or monitoring by an IBSCS whether contents are changed or not based on transmitted information and transmitting information related to changed contents to each IBS media server and storing the transmitted information in a database of said IBS media server.

Nishiyama teaches wherein information of broadcasting schedules, contents, and clients are registered through an IBS Administrator interface (Col. 5 lines 15-21 and 26-40); and monitoring by an IBSCS whether contents are changed or not based on transmitted information and transmitting information related to changed contents to each IBS media server and storing the transmitted information in a database of said IBS media server (Col. 43 lines 19-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of registering broadcast content and client information through an administrator interface and monitoring content changes and transmitting information related to the change to other media server with the prior art of Chino. One of ordinary skill in the art would have done so for the purpose of permitting terminal and content scheduling via display screen and updating terminal content delivery schedules (Fig. 2, Col. 43 lines 19-29).

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chino in view of Nishiyama, and further in view of Official Notice.

a. As per claim 22, Chino and Nishiyama teach the invention substantially as claimed above. However, the prior art of Chino and Nishiyama fail to explicitly disclose the use of open-key authentication including ID, password, and fingerprint, and secure data connection if authenticated wherein the data transmissions are secured between the TCP/IP layer and application layer. The examiner takes official notice that

the use of open-key authentication using userid, password, and biometrics, as well as secure data connections upon authentication wherein the data transmissions are secured between the TCP/IP and application layer, were well-known and widely used in the art at the time the instant invention was made (e.g., connecting to a VPN, AAA server implementation) and as such, would have been obvious to implement by one having ordinary skill in the art. One of ordinary skill in the art would have done so for the purpose of preventing unauthorized access to network systems, and to secure data communications between authenticated users and the network system.

Allowable Subject Matter

10. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach in combination, the limitations of wherein all playing environments about screen structure, the number of times of broadcasting play, screen partition, and broadcasting time are downloaded from said IBSCS, wherein the system utilizes a traffic management server to make broadcast contents be downloaded by using information of network distance between said IBSTS and said IBSMS and system resources of said IBSMS and modulating load distribution and thereby providing a path through which advertisement contents and broadcasting schedules can be downloaded optimally and providing a load balancing function between said IBSMS

having the same functions by using server information including CPU, memory and server information of session, an Intelligent Global Load Balancing (GLB) function and a Server Load Balancing (SLB) function and managing transmission traffic of contents and, wherein said GLB distributes PING, HOP between each of said IBS Media Servers and POP and load between POPs distributed locally according to a policy defined by a manager, and said SLB distributes server load between said IBS Media Servers having the same contents by using CPU, memory and session; and a Content Distribution Server (CDS) monitoring contents change of said IBSMS automatically and distributing changed contents to pre-designated servers in real time and synchronizing contents of said pre-designated servers and making said IBSMS always keep the same contents, taken in combination with the remaining limitations present in independent claim 1.

Claims 2-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 19, 20, 26 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 21, 23-25 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT FORD whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Lee can be reached on (571)272-3967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. F./
Examiner, Art Unit 2442

/Philip C Lee/
Acting Supervisory Patent Examiner, Art Unit 2442